

Message Text

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PAGE 01 DACCA 03853 200237Z
ACTION EB-08

INFO OCT-01 NEA-11 ISO-00 CIAE-00 COME-00 INR-10
LAB-04 NSAE-00 SIL-01 DODE-00 PM-05 H-01 L-03
NSC-05 PA-01 SP-02 SS-15 ICA-11 /078 W
-----129896 200621Z /14

R 191005Z JUN 78
FM AMEMBASSY DACCA
TO SECSTATE WASHDC 9792

C O N F I D E N T I A L DACCA 3853

E.O. 11652: GDS
TAGS: ETRD, ELAB, BG
SUBJ: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: A. STATE 136706, B. 77 DACCA A-92

1. THE LABOR LAWS OF BANGLADESH FOR PRACTICAL PURPOSES HAVE BEEN SUSPENDED SINCE DECEMBER 1, 1975, WHEN THE MARTIAL LAW ADMINISTRATION PASSED THE INDUSTRIAL RELATIONS (REGULATION) ORDINANCE (IRRO). THE IRRO, ONLY TWO PAGES LONG, FORBIDS THE FORMATION OF NEW TRADE UNIONS, THE ELECTION OF COLLECTIVE BARGAINING AGENTS AND THE RIGHT TO STRIKE. THE ORDINANCE, HOWEVER, DID SET UP A LENGTHY PROCESS BY WHICH LABOR DISPUTES AND WORKERS' GRIEVANCES COULD BE RESOLVED (REFAIR). IN THE MEANTIME, PRESIDENT ZIAUR RAHMAN DECLARED IN A SPEECH APRIL 30, 1977, THAT WHILE A NEW LABOR LAW WAS BEING PREPARED, TRADE UNIONS COULD AGAIN BE ORGANIZED AND NEW COLLECTIVE BARGAINING AGENTS ELECTED. STRIKES HAVE REMAINED TECHNICALLY ILLEGAL, ALTHOUGH SHORT "PEN-DOWN" STRIKES HAVE OCCURRED OCCASIONALLY WITHOUT GOVERNMENT INTERVENTION.

2. THE PUBLICATION OF NEW LABOR LAWS IS EXPECTED THIS SUMMER. IT IS NOT NECESSARY, HOWEVER, TO WAIT FOR THE NEW LAWS TO GIVE SOME ANSWER TO THE QUESTIONS POSED PARA 3 REFTEL A, AS THE NEW LABOR LAW WILL UNDOUBTEDLY
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BUILD UPON THE PREVIOUS LABOR LEGISLATION IN EFFECT DURING THE PAKISTAN PERIOD AND, BEFORE THAT, IN PRE-PARTITION INDIA. ALL PREVIOUS LEGISLATION REFERRED TO THE ENTIRE INDUSTRIAL SECTOR OF WHAT IS NOW BANGLADESH.

A. THERE IS NO SLAVE, INDENTURED OR OTHER FORCED LABOR LEGALLY ALLOWED IN BANGLADESH. CHAPTER VI, SECTION 50

OF THE EAST PAKISTAN FACTORIES ACT OF 1965, WHICH PARTIALLY AMENDED THE FACTORIES ACT OF 1934, STATES THAT "NO ADULT WORKER SHALL BE REQUIRED OR ALLOWED TO WORK IN A FACTORY FOR MORE THAN FORTY-EIGHT HOURS IN A WEEK." SUBSECTION 2 INDICATES THAT EVEN WITH OVERTIME PAY, NO WORKER MAY WORK MORE THAN 60 HOURS PER WEEK.

B. CHILD LABOR REGULATIONS AND MINIMUM AGES ARE ALSO ESTABLISHED BY CHAPTER VII OF THE EAST PAKISTAN FACTORIES ACT OF 1965. SECTION 66 STATES THAT "NO CHILD WHO HAS NOT COMPLETED FOURTEEN YEARS OF AGE SHALL BE REQUIRED OR ALLOWED TO WORK IN ANY FACTORY." AN ADULT WORKER IS DEFINED AS ONE OVER THE AGE OF SIXTEEN. AN ADOLESCENT BETWEEN THE AGES OF 14 AND 16 CAN WORK PROVIDED HE IS DECLARED PHYSICALLY FIT BY A CERTIFYING SURGEON.

C. EXTENSIVE SAFETY LEGISLATION EXISTS PROTECTING WORKER EXPOSURE TO TOXIC SUBSTANCES, INCLUDING MOST OF THOSE MENTIONED REFTEL A. CHAPTER IX OF THE 1965 ACT REGULATES WORKING CONDITIONS, ESTABLISHES CERTAIN PROTECTIONS FOR "DANGEROUS OPERATIONS" AND EMPOWERS THE GOVERNMENT TO MAKE INQUIRIES AND ESTABLISH PENALTIES. EARLIER LABOR LEGISLATION, THE EAST BENGAL FACTORIES RULES, 1953, SPECIFICALLY REFERS IN CHAPTER V TO LEAD PRODUCTS AND MANY OTHER TOXIC SUBSTANCES.

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D. AS FAR AS CAN BE ASCERTAINED, THERE ARE NO DIFFERENTIAL LABOR REGULATIONS APPLYING TO THE VARIOUS CATEGORIES MENTIONED REFTEL. GOVERNMENT REGULATIONS ON UNIONS, COLLECTIVE BARGAINING AND STRIKES WERE DESCRIBED PARA ONE ABOVE. INDUSTRIAL WAGES ARE CONTROLLED BY THE GOVERNMENT AND A GOVERNMENT-APPOINTED WAGES AND PRODUCTIVITY COMMISSION IS EXPECTED SOON TO ISSUE NEW WAGE LEVELS.

3. DESPITE THE PREVIOUS SPECIFIC LABOR LEGISLATION, IT IS DOUBTFUL WHETHER IT WAS EVER ENFORCED PROPERLY. ABUSES IN WORKING HOURS, CHILD LABOR AND DANGEROUS OPERATIONS PROBABLY OCCUR AT THE PRESENT TIME. UNTIL A NEW LABOR LAW IS ENACTED AND MARTIAL LAW WITHDRAWN, EXPECTED AFTER DECEMBER PARLIAMENTARY ELECTIONS, THE LABOR SITUATION WILL REMAIN UNCERTAIN.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR, STANDARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978DACCA03853
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780256-0258
Format: TEL
From: DACCA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780645/aaaabndg.tel
Line Count: 111
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d7034186-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 136706, 77 DACCA A-92
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2303174
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR INFORMATION ON LABOR STANDARDS
TAGS: ETRD, ELAB, BG
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/d7034186-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014